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FOR APPLICATION NO. 09/857,103

JUN 17 2004

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Appl. No. 09/857,103

23755-2560

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Göran Ågren

:Group Art Unit: 3728

Appl. No. 09/857,103

:Examiner: Jila M. Mohandesi

371(c) Date: June 19, 2003

:Response to Paper No.

For DEVICE IN PACKAGING

RESPONSE TO ELECTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

This is in response to the Office Action dated May 18, 2004.

Claims 1-18 remain pending in the present application.

Election of a single species has been required as between the following species as identified by the Examiner:

Species I as shown in Figures 2, 8, 9 and 12;

Species II as shown in Figures 1, 3-7, 11 and 13; and

Species III as shown in Figures 14-18.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.6 (e))

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Appl. No. 09/857,103

23755-2560

The Examiner contends that claims 1-6 correspond to Species I, claims 7-15 correspond to Species II, and claims 16-18 correspond to Species III. The Examiner states that no claim appears to be generic.

Applicant provisionally elects, with traverse, Species I. Claims 1-6 are readable on elected Species I. Furthermore, applicant respectfully submits that Species I is shown in Figures 10 and 11, in addition to Figures 2, 8, 9 and 12 as identified by the Examiner. Figures 10 and 11 both show how the hollow walls of the package as claimed in claims 1-6 are assembled.

Applicant respectfully traverses this election requirement on the basis that the requisite serious burden on the Examiner set forth in MPEP §803 does not appear to exist. Specifically, although the various species do have slight structural differences, applicant believes that the three species are so closely related that the field of search necessary to properly search one of the species would encompass the other species as well. Since a different field of search is not required, there is no serious burden as required by MPEP §803. Reconsideration and withdrawal of the election requirement is respectfully requested.

Non-elected claims 7-18 will be retained pending resolution of the traversal.

An action on the merits is awaited.

Respectfully submitted,

6/17/04

Date

Patrick R. Scanlon

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